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FEDERAL AID TO COMMON SCHOOLS IN THE STATES.

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S P E E C H

OF

HON. J. H. REAGAN,  
OF TEXAS,

IN THE

SENATE OF THE UNITED STATES,

Thursday, January 5, 1888.

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I assume that Congress can only lawfully levy and collect taxes and appropriate money to carry out the purposes for which the Federal Government was established, and that to promote education in the States was not one of these purposes.

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WASHINGTON.

1888.



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### S P E E C H

OF

H O N . J . H . R E A G A N .

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Mr. REAGAN, said:

Mr. PRESIDENT: Mr. President: so much learning and ability have been displayed during past Congresses in the discussion of the provisions of the bill under consideration and of the principles involved in its passage that I can hardly hope to throw any new light on the subject; and yet I feel that it is due to the people of the State I in part represent that I should state some of the reasons why I will vote against its passage.

Before entering upon a statement of these reasons I must say that so much of the purposes of the bill as look to the enlargement of common-school facilities, improved education, and to the increase of knowledge has my most hearty approval, and any measure to promote those purposes which would not involve a violation of the Constitution would command my support. While the Senator from New Hampshire [Mr. BLAIR], the author of this bill, is entitled to great credit for the labor and research he has bestowed on this subject, he is entitled to still greater credit for the humane and noble purpose which he avows of a desire to secure to the illiterate people of impoverished States the advantages of better education and higher civilization. It is not the purpose he would accomplish, but the method he adopts to secure its accomplishment to which I am opposed.

My opposition to this bill is based on the absence of power in Congress to enact such a law; on the fact that its passage would be the adoption of a policy of centralization which would establish a despotism of popular majorities, overthrow the Constitution, and endanger the liberties of the people; because it offers a bribe in money to the people to sacrifice their manhood and self-reliance and to surrender their constitutional government in consideration of the paternal care of a master

whose ultimate cruelty we may not now be able to estimate; and because it would be the surrender of our birthright for a mess of pottage.

I do not wish to see the American people surrender that sturdy self-reliance which has characterized them from the first settlement of the American colonies to the present time, nor to see them demoralized and degraded by any system of subventions from the Government which would deprive them of the independent and resolute purpose to take care of themselves without pecuniary aid from the Federal Government.

This bill would have other important effects upon the public interests, to which I am opposed, whether they are sought to be accomplished by the Senator from New Hampshire and other friends of the bill or not. Among these would be the use of the public moneys to carry out the purpose of this bill as a pretext for perpetuating a high protective tariff and to prevent a reduction of the great burdens of taxation now imposed on the people, and by the same means to aid in the perpetuation of the national debt and our present system of national banking. While I mention these two objects as important, and in themselves sufficient to control my vote against this bill, I do not propose to discuss them now. My principal objection to it rests upon the still higher grounds just mentioned.

#### CONSTITUTIONAL QUESTION CONSIDERED.

I deny the constitutional power of Congress to pass such a law. Under our system of dual government, where the people are sovereign, and where they are the government-making power, and where they have conferred such powers as pleased them on the State and Federal governments, respectively, and retained to themselves such powers as they chose not to confer on either, it is as necessary for the law-making power under either of these governments to inquire into its jurisdiction when attempting to legislate as for courts of justice with special or limited jurisdiction to inquire into their jurisdiction when they come to adjudicate a case.

We should never lose sight of the fact that in this country the people are sovereign; that they delegated to the Federal Government such powers, and such only, as to enable it to deal with other governments foreign to ours, that is, to control our international policy, and such as to enable it to deal with our Federal and interstate relations, covering such subjects as relate to the interest of the whole Union, such as were necessary for the welfare and safety of the whole people, and as could not with propriety and advantage be exercised by the several States. Such as the power—

To lay taxes, duties, imposts, and excises.

To borrow money on the credit of the United States.

To regulate commerce with foreign nations, and among the States, and with Indian tribes.

To establish a uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States.

To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures.

To provide for the punishment of counterfeiting the securities and current coin of the United States, etc.

Such were the powers our fathers thought it necessary and wise to confer on Congress.

And after conferring these powers they provide by the tenth amendment to the Constitution that—

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively or to the people.

The people for their own protection reserved some powers which they refused to confer upon either the State or Federal Government.

The vast residuum of powers, not delegated by the Constitution to the Federal Government and not reserved to the people, are conferred on the several State governments. These embrace, among many others, the power to regulate the acquisition, control, and ownership of property; the providing security for life, person, and property; the management of the estates of deceased persons, embracing the power to regulate the descent and distribution of estates, and the making of wills; the power to regulate marriage and divorce; the power to make all police regulations necessary for the good of society; the power to organize courts of justice for the enforcement of the laws of the State; the power to levy and collect taxes to support the State government, etc.; in a word, the power to regulate and control the local and domestic interests of the people, as contradistinguished from the powers necessary to carry out our Federal and foreign relations.

We are told by Mr. Justice Story, section 906, in his Commentaries on the Constitution, a work confessedly of the highest authority, that—

The Constitution was, from its origin, contemplated to be the frame of a national government, of special and enumerated powers, and not of general and unlimited powers.

He says further in the same paragraph that—

If the clause "to pay the debts and provide for the common defense and general welfare of the United States" is construed to be an independent and substantive grant of power, it not only renders wholly unimportant and unnecessary the subsequent enumeration of specific powers, but it plainly extends far beyond them and creates a general authority in Congress to pass all laws which they may deem for the common defense and general welfare. Under such circumstances the Constitution would practically create an unlimited national government. The enumerated powers would tend to embarrass and confuse, since they would only give rise to doubts as to the true extent of the general power or of the enumerated powers.

And in section 907 he says:

For what purpose could the enumeration of particular powers be inserted, if these and all others were meant to be included in the preceding general power?



Nothing is more natural or common than first to use a general phrase and then to qualify it by a recital of particulars. But the idea of an enumeration of particulars which neither explain nor qualify the general meaning, and can have no other effect than to confound and mislead, is an absurdity which no one ought to charge on the enlightened authors of the Constitution. It would be to charge them either with premeditated folly or premeditated fraud.

This strong language of a great judge and law writer ought to be repeated as many times as attempts are made by Congress, such as the passage of the bill under consideration, to usurp the rights of the States, to overthrow the Constitution of the United States, and to make a centralized government to take the place of the Federal system of government provided by the Constitution.

If I may be pardoned, I will here make a digression from this particular line of argument so far as to state that I am of opinion no government of so great territorial extent as the United States, and with such a great variety of interest, could long be perpetuated as a centralized republic. Such territorial extent and varied interests can be harmonized only under a federal republic like ours or under a monarchy. In a centralized republic of such territorial extent, population, and interests there would always be a majority and a minority section. And whether the majority should be situated in the north, the south, the east, or the west, the people of the majority section would claim the political advantages which their majority assured to them, and would demand the adoption of policies oppressive to the minority section, and their political representatives would, as a rule, insist on the adoption of such policies as a means of securing and preserving popular favor. This would inevitably lead to discontent, angry strife, and in the end to political turmoil and revolution. Hence in my view the great importance of maintaining inviolable our present Federal system as marked out by the Constitution of the United States.

Returning to the consideration of the question as to the unconstitutionality of the bill under consideration, I cite again from Story on the Constitution, section 436, language, which quotes approvingly from the Federalist, as follows:

An entire consolidation of the States into one complete national sovereignty would imply an entire subordination of the parts, and whatever powers might remain in them would be altogether dependent on the general will. But as the plan of the convention aims only at a partial union or consolidation, the State governments would clearly retain all the rights of sovereignty which they before had and which were not by that act exclusively delegated to the United States.

The precise test as to the power of Congress is stated by Mr. Story, section 1238, as follows:

Whenever, therefore, a question arises concerning the constitutionality of a particular power, the first question is whether the power is expressed in the Constitution. If it be, the question is decided. If it be not expressed, the next inquiry must be whether it is properly an incident to an express power and



necessary to its execution. If it be, then it may be exercised by Congress. If not, Congress can not exercise it.

Under what express grant of power are we to pass this bill "to aid in the establishment and temporary support of common schools" in the States of the Union? Can any one point to the grant of power? I take it no one will attempt to do so. If this can not be done, to what "express grant of power is it an incident and necessary to its execution?" Will any Senator who favors the passage of this bill answer these questions?

The tenth amendment to the Constitution, already quoted, declares that—

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

Judge Story, commenting on this amendment, section 1900, says:

This amendment is a mere affirmation of what, upon any just reasoning, is a necessary rule of interpreting the Constitution. Being an instrument of limited and enumerated powers, it follows irresistibly that what is not conferred is withheld and belongs to the State authorities, if invested by their constitutions of government respectively in them; and if not so invested, it is retained by the people as a part of their sovereignty.

Speaking further of this amendment, section 1901, he says:

Its sole design is to exclude any interpretation by which other powers should be assumed beyond those which are granted. All that are granted in the original instrument, whether express or implied, whether direct or incidental, are left in their original state. All powers not delegated, and not prohibited, are reserved.

In further comment on this amendment, in the same paragraph, he says:

One would suppose, if the history of the human mind did not furnish abundant evidence to the contrary, that no reasonable man would contend for an interpretation founded neither in the letter nor in the spirit of an instrument. Where is the controversy to end, if we desert both the letter and the spirit? What is to become of constitutions of government, if they are to rest, not upon the plain import of their words, but upon conjectural enlargements and restrictions to suit the temporary passions and interests of the day? Let us never forget that our constitutions of government are solemn instruments, addressed to the common sense of the people, and designed to fix and perpetuate their rights and liberties. They are not to be frittered away to please the demagogues of the day. They are not to be violated to gratify the ambition of political leaders. They are to speak in the same voice now and forever. They are of no man's private interpretation. They are ordained by the will of the people, and can be changed only by the sovereign command of the people.

This splendid passage is at once inspiration, prophecy, and warning, which should not be disregarded by those who wish well of the Republic.

This brings me to consider, in the light of the provisions of the Constitution and canons of construction which I have quoted, the report of the Committee of the Senate on Education and Labor, made during

the Forty-ninth Congress, reviewing and indorsing the report made by the same committee on the same bill during the Forty-eighth Congress. In that report the committee say, among other things, or rather the chairman of the committee says (for he declares that "as a matter of argument the committee as a whole is not responsible" for the report):

We propose to inquire into the nature and extent of the power and obligations of the National Government to assist in the education of the people when necessary for its and their own preservation.

With all respect for the honorable Senator who prepared the report, I venture the statement that this is one of the most extraordinary papers which ever emanated from the American Senate, in its bold and utter disregard of the provisions of the Constitution of the United States, of all the recognized rules of its interpretation, and of the character, genius, and traditions of our Government. As this report may be supposed to embody the strongest arguments in favor of the passage of the bill under consideration, it is proper to inquire briefly into their value and merits.

We may ascertain hereafter whether those members of the committee who are absolved from responsibility for the report, and others who favor the passage of this extraordinary bill, have been able to give other and better reasons than those contained in this report in favor of its passage.

The author of this report says:

Our leading proposition is that the General Government possesses the power and has imposed upon itself—

Not that it is required by the Constitution, but that it has imposed on itself—

the duty of educating the people of the United States whenever, for any cause, those people are deficient in that degree of education which is essential to the discharge of their duty as citizens either of the United States or of the several States wherein they chance to reside.

This remarkable statement of the "leading proposition," as stated by the honorable chairman of the committee, in favor of the passage of this bill, at one bound, without constitutional warrant (as I expect to be able to show), and without reason or authority to sustain it, and in violation of the theory of our Government and in disregard of our political traditions, would overthrow the great distinctive difference between our theory of the sovereignty of the people and the theory of the monarchies of the Old World, that the king or emperor is the sovereign source of political power. It would make this grand eleemosynary establishment, formerly known as the Government of the United States, the supreme and the sole judge of what is needful for the welfare of the people. In reference to our political system it would make the pyramid stand upon its apex. It would treat the States and the people as

dependent on the will of the Federal Government in all matters in which it might determine that "whenever, from any cause," they failed to come up to the standard of qualifications and duty which Congress regards as the correct one the Federal Government can of right intervene and remedy the supposed evil.

Our political theory is that the Government derives its powers from the consent of the governed; that the people are the sovereign source of political power; that they delegated such of their sovereign power as seemed to them best to the Federal Government, and such portion of it as they thought best to the several States, retaining to themselves such rights as they were unwilling to commit to the control of either of these governments. If there is no express grant of power to Congress to pass such a bill as this, and if the passage of such a bill is not necessary as a means of executing some expressly granted power, then it can only be passed for the reason that the Federal Government is the sovereign source of political power and may do what it pleases without reference to the wishes and consent of the several States or of the people. To do this would be to overthrow the Constitution, to destroy the rights of the States, to disregard the will of the people, to change the character of our Government from that of a free, constitutional republic to a despotism of centralized majorities, and in effect to deny the capacity of the people for self-government.

The control of merely local and domestic questions by Congress would, in a large measure, destroy the direct accountability of the representatives to their constituents by removing them too far from the observation of the people, and would thus open the way for reckless, improper, and prodigal legislation.

Already by loose constructions of the Constitution and by usurpations of power the jurisdiction of Congress has become so extended as to render it difficult for it to pass the required laws. Up to a quarter of a century ago it was a rare thing for a session of Congress to pass more than a half dozen general laws outside of appropriation bills. Now, by these extensions of jurisdiction, we pass a considerable volume of laws at each session. If we adopt the principle which underlies this educational bill, that Congress may do whatever it supposes the general welfare to require, then a perpetual session of Congress will not give sufficient time for the passage of such laws as may be called for. The result would necessarily be that Congress would have to delegate very extensive powers to the heads of departments of the Government, and that we should adopt a system of personal government, not resting on the popular will and controlled by just legal provisions, but leave the interests of the public and the rights of the people to the discretion and at the mercy of Cabinet officers, not selected by the people and too far removed from them to be under any direct responsibility to them.

This would be the very essence of despotism; it might be just and mild, or arbitrary, harsh, and unjust, according to the character of the officer. Do honorable Senators feel prepared to go further than we have heretofore gone, as the passage of this bill will require us to do, in assuming that the "general welfare" clause of the Constitution is a grant of power, and in centralizing the powers of this Government, in destroying the rights of the States as they exist under the Constitution, in changing the character of our Government, and in sacrificing the liberties of the people?

The paragraph I have quoted from the report of the committee speaks of the duty which the Government of the United States had "imposed on itself." It has imposed no constitutional duty on itself, and can impose none. It derives its power by delegation from the people, and can lawfully exercise no other power than that which is so derived. The Government did not create itself nor did it prescribe its own powers.

I shall now copy a few other passages from this report, showing the reasons upon which it is proposed to pass this bill, and illustrating the doctrine by which our constitutional system of government is to be overthrown. In that report it is said:

But the right to educate the children throughout the nation is the right to preserve the Government and the nation. That right can not be curtailed. It is geographically coextensive with the jurisdiction of the Government itself, and self-preservation compels its exercise by the National Government whenever there is failure for any reason on the part of the parent or the State.

This is the new method of establishing the powers of the Federal Government to which the attention of Senators is invited.

The constitutional Government of the United States has now been maintained in peace and war for nearly one hundred years. It has exhibited a growth in population and wealth and advancement in all the elements of civilization surpassing any other country in the world, ancient and modern. During nearly one-half of this time, and when the foundations of its greatness were being laid, there were no free public schools in any part of the country. The men who fought the battles of the Revolution and the men who framed our grand and wonderful Constitution of Government had none of the advantages of free public schools. I believe such schools were unknown then; and still our people did not go into barbarism and our Government did not perish.

Again that report says:

But Congress has express power to provide for the general welfare of the United States, and to exert its utmost power of taxation to promote that which was one of the six greatest ends enumerated in the preamble, and to secure which the Constitution itself was ordained and established by the whole people of the United States of America.



I need hardly say that the preamble to the Constitution is no more a grant of power than the caption of an ordinary act is a part of the law. And no respectable authority can be cited to show that it is a grant of power. Mr. Justice Story, whom I have so often quoted, says, section 462:

And here we must guard ourselves against an error which is too often allowed to creep into the discussions upon this subject. The preamble never can be resorted to to enlarge the powers confided to the General Government or any of its departments. It can not confer any power *per se*; it can never amount by implication to an enlargement of any power expressly given. It can never be the legitimate source of any implied power when otherwise withdrawn from the Constitution.

And again that report says:

If in the past the National Government has not borne its due proportion of the burdens of the education of the people, or if new conditions have arisen which require of it a degree of co-operation with the several States not hitherto necessary in securing to all citizens of the Republic that degree of intelligence which is indispensable to the safety of society and to the happiness of the individual, who is at once the subject and the sovereign of both local and national administration, then the time has come for a new departure, and the withes of straw must yield to the expanding limbs of the giant who is arousing himself for the labors of the time which has already come.

As the writer of that report makes no allusion to the necessity of amending the Constitution so as to accomplish his purpose, we may fairly infer that the Constitution of the United States is the "withe of straw" which must yield to his wishes on this subject. This idea is in harmony with the whole report. How do the supporters of the bill under consideration and the friends of education like that suggestion? Are they ready to adopt it?

I will give one more sample extract from that report. It is:

Laws are silent in war. They were silent in the conflict through which we have just passed. But what is meant by this? Not that all laws are silent; but that minor regulations which appertain to more quiet times are suspended in the overmastering presence of the great first law of self-preservation. In this sense, which is the true sense, laws may become silent in peace as well as in war. We are now in peace, but if there be laws which forbid education to the illiterate millions of the American people by the outstretched arm and bursting Treasury and innumerable intellectual and moral agencies of the nation at large, then those laws should, and, in the presence of the uprising sentiment of the people, I may say, they shall, be silent in this land until by the diffusion of knowledge and of the power which knowledge gives to every child within our borders peace may be made perpetual.

If there be any law or laws in any part of the United States which forbid the education of the illiterate millions, I have no knowledge of where they are to be found; and I suppose the hypothetical suggestion of that report on this point to be baseless. The only law which it is necessary to silence in order to secure the passage of the proposed bill, and to secure the carrying out of its policy, is the Constitution of the United States. I do not know whether it was the intention of the

author of the report to urge a lawless disregard of the Constitution in order to carry the proposed measure, but I submit, in all candor, that such seems to be the meaning and effect of this extraordinary report.

This school bill contemplates taxing the people to the extent of \$79,000,000 to be applied to common-school education in the States. Where is the grant of power for the levying of such a tax to be found?

Article I, section 8, clause 1, of the Constitution provides that—

The Congress shall have power to lay and collect taxes, duties, imposts, and excises—

For what purpose?

to pay the debts and provide for the common defence and general welfare of the United States.

I have already shown that the "general welfare" clause is not a grant of power. The sum of money proposed to be expended is not to pay debts, nor is it for the common defense. Where, then, is the power to be found which would authorize the levy of such a tax?

The report of the committee recommending the passage of this bill assumes that, under the "general welfare" clause of the Constitution, Congress may "exert its utmost power of taxation." That is, that it may determine outside of constitutional authority for what purpose it will impose taxes on the people, and then it may oppress them by taxing to the utmost of its power. This doctrine is monstrous. And again, where do Senators find the power to tax the people of Illinois for the purpose of educating the people of Texas, or the people of Ohio to educate those of Mississippi, or those of Massachusetts to educate the people of South Carolina?

I assume that Congress can only lawfully levy and collect taxes and appropriate money to carry out the purposes for which the Federal Government was established, and that to promote education in the States was not one of these purposes.

On this point I quote from page 108 of Cooley on Taxation, a book of great merit, by an author whose book on Constitutional Limitations is of the highest authority, as follows:

#### GRADE OF THE GOVERNMENT WHICH TAXES.

In considering the legality of the purpose of any particular tax, a question of first importance must always concern the grade of the government which assumes to levy it. The "public" that is concerned in a legal sense in any matter of government is the public the particular government has been provided for; and the "public purpose" for which that government may tax is one which concerns its own people, and not some other people, having a government of its own, for whose wants taxes are laid. There may, therefore, be a public purpose as regards the Federal Union which would not be such as a basis for State taxation, and there may be a public purpose which would uphold State taxation, but not the taxation which its municipalities would be at liberty to vote and collect. The purpose must in every instance pertain to the sovereignty with which the tax originates; it must be something within its jurisdiction so as to justify its making provision for it. The rule is applicable to all the subordinate

municipalities; they are clothed with powers to accomplish certain objects, and for those objects they may tax, but not for others, however interesting or important, which are the proper concern of any other government or jurisdiction. State expenses are not to be provided for by Federal taxation, nor Federal expenses by State taxation, because in neither case would the taxation be levied by the government upon whose public the burden of the expenses properly rests. To provide for such expenses would, consequently, not be a purpose in which the people taxed would, in a legal sense, be concerned.

I must also beg the indulgence of the Senate while I read at some length the opinion of Mr. Madison, who is often called the father of the Constitution, on this subject:

MR. MADISON. It is supposed by some gentlemen that Congress have authority not only to grant bounties in the sense here used, merely as a commutation for drawback, but even to grant them under a power by virtue of which they may do anything which they may think conducive to the general welfare. This, sir, in my mind raises the important and fundamental question whether the general terms which have been cited are to be considered as a sort of caption or general description of the specified powers, and as having no further meaning and giving no further powers than what are found in that specification, or as an abstract and indefinite delegation of power extending to all cases whatever, to all such at least as will admit the application of money, which is giving as much latitude as any government could well desire.

I, sir, have always conceived—I believe those who proposed the Constitution conceived—it is still more fully known and more material to observe that those who ratified the Constitution conceived—that this is not an indefinite government, deriving its powers from the general terms prefixed to the specified powers, but a limited government, tied down to the specified powers, which explain and define the general terms.

It is to be recollected that the terms “common defense and general welfare” as here used are not novel terms first introduced into this Constitution. They are terms familiar in their construction and well known to the people of America. They are repeatedly found in the old Articles of Confederation, where, although they are susceptible of as great a latitude as can be given them by the context here, it was never supposed or pretended that they conveyed any such powers as is now assigned to them. On the contrary, it was always considered clear and certain that the old Congress was limited to the enumerated powers, and that the enumeration limited and explained the general terms. I ask the gentlemen themselves whether it was ever supposed or suspected that the old Congress could give away the money of the States in bounties to encourage agriculture, or for any other purpose they pleased. If such a power had been possessed by any body, it would have been much less impotent, or have borne a very different character from that universally ascribed to it.

The novel idea now annexed to those terms and never before entertained by the friends or enemies of the Government will have a further consequence, which can not have been taken into the view of the gentlemen. Their construction would not only give Congress the complete legislative power I have stated; it would do more, it would supersede all the restrictions understood at present to lie in their power with respect to a judiciary. It would put it in the power of Congress to establish courts throughout the United States, with cognizance of suits between citizen and citizen, and in all cases whatsoever.

This, sir, seems to be demonstrable; for if the clause in question really authorized Congress to do whatever they think fit, provided it be for the general welfare, of which they are to be the judge, and money can be applied to it, Congress must have power to create and support a judiciary establishment with a



jurisdiction extending to all cases, favorable in their opinion to the general welfare, in the same manner as they have power to pass laws and apply money providing in any other way for the general welfare. I shall be reminded, perhaps, that according to the terms of the Constitution the judicial power is to extend to certain cases only, not to all cases. But this circumstance can have no effect in the argument, it being presupposed by the gentlemen that the specification of certain objects does not limit the import of the general terms. Taking these terms as an abstract and indefinite grant of power, they comprise all the objects of legislative regulations, as well such as fall under the judiciary article in the Constitution as those falling immediately under the legislative article, and if the partial enumeration of objects in the legislative article does not, as these gentlemen contend, limit the general power, neither will it be limited by the partial enumeration of objects in the judiciary article.

There are consequences, sir, still more extensive, which, as they follow clearly from the doctrine combated, must either be admitted, or the doctrine must be given up. If Congress can employ money indefinitely to the general welfare, and are the sole and supreme judges of the general welfare, they may take the care of religion into their own hands; they may appoint teachers in every State, county, and parish, and pay them out of their public Treasury; they may take into their own hands the education of children, establishing in like manner schools throughout the Union; they may assume the provision for the poor; they may undertake the regulation of all roads other than post-roads; in short, everything, from the highest object of State legislation down to the most minute object of police, would be thrown under the power of Congress; for every object I have mentioned would admit of the application of money, and might be called, if Congress pleased, provisions for the general welfare.

The language held in various discussions of this House is a proof that the doctrine in question was never entertained by this body. Arguments wherever the subject would permit have constantly been drawn from the peculiar nature of this Government, as limited to certain enumerated powers, instead of extending, like other governments, to all cases not particularly excepted. In a very late instance—I mean the debate on the representation bill—it must be remembered that an argument much used, particularly by gentlemen from Massachusetts, against the ratio of 1 for 30,000, was that this Government was unlike the State governments, which had an indefinite variety of objects within their power; that it had a small number of objects only to attend to, and, therefore, that a smaller number of Representatives would be sufficient to administer it.

Arguments have been advanced to show that because, in the regulation of trade, indirect and eventual encouragement is given to manufacturers, therefore Congress have power to give money in direct bounties, or to grant it in any other way that would answer the same purpose. But surely, sir, there is a great and obvious difference, which it can not be necessary to enlarge upon. A duty laid on imported implements of husbandry would, in its operation, be an indirect tax on exported produce; but will any one say that by virtue of a mere power to lay duties on imports Congress might go directly to the produce or implements of agriculture or to the articles exported? It is true, duties on exports are expressly prohibited; but if there were no article forbidding them, a power directly to tax exports could never be deduced from a power to tax imports, although such a power might indirectly and incidentally affect exports.

In short, sir, without going further into the subject, which I should not have here touched at all but for the reasons already mentioned, I venture to declare it as my opinion that were the power of Congress to be established in the latitude contended for it would subvert the very foundations and transmute the very nature of the limited government established by the people of America; and what inferences might be drawn or what consequences ensue from such a step it is incumbent on us all to consider.

If reason and weight of authority can settle any question, the two

authorities just quoted would seem to settle conclusively the question that Congress can not under the authority of the Constitution appropriate money to carry out the purposes of this bill to establish and support common schools in the States.

Have Southern Senators so soon forgotten the horrors of the so-called reconstruction of the Southern States, when the Constitution and laws were silent, and the people there were only permitted to hear, to suffer, and to obey the commands of the military, that they are ready for a few million dollars to take from those they represent the protecting shield of the Constitution, and subject them to the capricious will, the prejudices, and the avarice of a popular majority of the American people? Do they forget that they are representing the weaker section of the Union? That their people need and demand protection, equality of rights, and liberty more than they do money?

I can not speak for others, but if I were to vote for the passage of this bill, with my convictions as to the powers of Congress under the Constitution, I should feel that to secure to the State of Texas the paltry sum of about \$4,000,000, to be paid in installments, during a period of eight years, I had voted to abrogate, to annul the Constitution of the United States, the sheet anchor of our liberties, the bond which binds together what should be a perpetual Union, of what should be indestructible States, resting on the will and authority of the freest, most prosperous, and most happy people as a whole on the face of the earth.

CONGRESS MAY APPROPRIATE LAND, BUT IT CAN NOT TAX THE PEOPLE FOR EDUCATIONAL PURPOSES.

It has been assumed in argument by many Senators, that because Congress had granted lands for educational purposes it could also grant money for the same purpose. If Congress had granted lands for this purpose in the absence of the necessary authority, such precedents would not justify the passing of other unconstitutional acts. If precedents are to take the place of constitutional grants of power, then we might as well regard the Constitution as abrogated, for precedents not warranted by its provisions may be found all along through the history of the Government. There would be no more wisdom or justice in such an assumption than for us to conclude that the bad acts of our private lives should serve as precedents to excuse or justify other bad acts, and relieve us from any obligation to obey the moral law and the precepts of Christianity.

But there are other answers to this assumption that the giving of lands justifies taxing the people to give money for educational purposes in the States. The Government lands are held in trust by it for the benefit of the whole American people, and it is simply discharged from that trust *pro tanto* when it surrenders portions of them to aid in the cause of education. And in all cases, I believe, when public lands or money the proceeds of the sales of public lands have been so appropriated, their use and application have been controlled by the several States and Territories by

their own laws and agents. If the Federal Government should attempt to follow its land grants into the State, and to administer them there, that would also violate the Constitution, but for a different reason than for taxing the people for the purpose specified in this bill. The appropriations of land have been absolute, without provisions for reversion to the United States after the titles vested, and wholly freed from Federal control. Congress does not undertake to go into the States with its laws and its agents to administer the land so appropriated, or the proceeds of the sales of such land, nor to require the governors of States and other State officers to conform their action in the use of such lands to the requirements of Federal laws, nor to report their proceedings to any Federal officer for his approval or disapproval. And, beside this, under Article IV, section 3, clause 2 of the Constitution, Congress has plenary and unlimited power to dispose of the public lands, while taxes can only be levied by the Federal Government to carry out the purposes for which it was established, as I have tried to demonstrate. This distinction, it seems to me, is conclusive against the power of the Federal Government to levy and collect taxes to support schools in the States; and also against the assumption that because Congress has granted lands to promote education in the States it can tax the people and raise and appropriate money for the same purpose.

#### ANALYSIS OF THE BILL.

The case is entirely different with the bill under consideration. The people are to be taxed to raise the \$79,000,000. Federal officers are to be appointed to examine and supervise the reports from all of the thirty-eight States and nine or ten Territories. The people are to be taxed in addition to cover the cost of collecting the above sum, and for the payment of the salaries, etc., of the required officers and clerks. And in a large measure the money is to be collected from the people of some of the States for the benefit of the people of other States. It would be more equitable, and much less expensive, for the citizens of each State to pay the taxes to support their own schools, and to collect those taxes by their own officers and off their own subjects of taxation.

Instead of giving this money to the several States and Territories, to be administered by them, as in the case of the public lands given for a like purpose, this bill provides in its first section that—

No money shall be paid to any State, or to any officer thereof, until the Legislature of the State shall, by bill or resolution, accept the provisions of this act; and such acceptance shall be filed with the Secretary of the Interior.

The State must first accept the bribe. It must then, by bill or resolution, solemnly ratify an unconstitutional act of Congress. And then it must crown its self-accepted infamy by filing such bill or resolution with the Secretary of the Interior.

The fourth section of the bill evinces so clearly the complete subordination in which the States are to be held to the Federal laws and authorities that I shall quote all of it down to the proviso, as follows:

SEC. 4. That no State or Territory shall receive any money under this act until the governor thereof shall file with the Secretary of the Interior a statement, certified by him, showing the common-school system in force in such State or Territory; the amount of money expended therein during the last preceding school year in the support of common schools, not including expenditures for the rent, repair, or erection of school-houses; whether any discrimination is made in the raising or distributing of the common-school revenues or in the common-school facilities afforded between the white and colored children therein, and, so far as is practicable, the sources from which such revenues were derived; the manner in which the same were apportioned to the use of the common schools; the number of white and colored children in each county or parish and city between the ages of ten and twenty-one years, both inclusive, as given by the census of 1880, and the number of children, white and colored, of such school age attending school; the number of schools in operation in each county or parish and city, white and colored; the school term for each class; the number of teachers employed, white and colored, male and female, and the average compensation paid such teachers; the average attendance in each class, and the length of the school term. No money shall be paid out under this act to any State or Territory that shall not have provided by law a system of free common schools for all of its children of school age, without distinction of race or color, either in the raising or distributing of school revenues or in the school facilities afforded.

No comment is necessary to expose its purpose.

The section goes down into the States, takes hold of State officers, directs how they shall do and what they shall report. I leave that question with Senators for their consideration.

The fifth section of the act contains the following:

And the Secretary of the Interior is charged with the proper administration of this law, through the Commissioner of Education; and they are authorized and directed, under the approval of the President, to make all needful rules and regulations, not inconsistent with its provisions, to carry this law into effect.

That is, to carry a Federal law into effect within the States, and relating to a question of local State policy, the education of the children of these States.

It provides in the sixth section what studies shall be taught in State schools in which the State furnishes the houses, pays the general expense of administering the law, and at least one-half the current expense for instruction proper, as follows:

That the instructions in common schools wherein these moneys shall be expended shall include the art of reading, writing, and speaking the English language, arithmetic, geography, and history of the United States.

It then graciously adds:

And such branches of useful knowledge as may be taught under local laws.

So the Federal law will not even trust the States to prescribe the course of study for their children.

But this delectable section proceeds:

And copies of all school books authorized by the school boards or other authorities of the respective States and Territories, and used in the schools of the same, shall be filed with the Secretary of the Interior.

Why? Is there a purpose in this? If not, why is it put in the bill? If there is, why is it not expressed? The study of the history of the



United States is one of the branches to be taught. There are several school histories of the United States. The last section of this bill provides that—

The power to alter, amend, or repeal this act is hereby reserved.

Is it the intention that if the histories of the United States are not such as are approved by the Secretary of the Interior and the Commissioner of Education this act shall be so amended as to enable them to prescribe what history of the United States shall be taught? Some of the school histories of the United States contain matter which some of the Senators supporting this bill would not like to have taught to their children. Let them beware what they are doing. And do they think that their Legislatures and States and school officers are unequal to the task of prescribing a course of studies for public common schools? If not, why consent to the impertinent intrusion by a Federal law of a direction as to what studies shall be taught our children? And why demand the inspection of our school books? Such was the policy of Russia towards the Poles in prohibiting the use of the Polish language in schools after the conquest of Poland. Such was the policy of Austria with Hungary, whose people, up to a recent date, were not permitted to educate their children in their own language, and now only in their primary schools, but were required to adopt the language of their conquerors and masters. The same policy was pursued by Germany after the conquest of Alsace-Lorraine, in which province, as I am informed, the French population were required to be instructed in books of history which eulogized the Germans and vilified the French.

The eighth section of the act provides as follows:

That no greater part of the money appropriated by this act shall be paid out to any State or Territory in any one year than the sum expended out of its own revenues, or out of moneys raised under its authority, including interest money from any source, in the preceding year, for the maintenance of common schools, not included in the sums expended in the erection of buildings.

If there are people who suppose they will be relieved from taxation for school purposes by the proposed subvention, the reading of this section will cure them of that belief.

Section 10 provides—

That no part of the fund allotted to any State or Territory under the first section of this act shall be used for the erection of school-houses or school buildings of any description, nor for rent of the same.

The sixteenth section, however, provides for the appropriation of \$2,000,000, to be divided among the several States and Territories, for the construction of school-houses, under the following conditions prescribed by that section:

Such school-houses shall be built in accordance with plans to be furnished free on application by the Bureau of Education of Washington: *Provided, however,* That not more than \$150 shall be paid from said fund towards the cost of any single school-house, nor more than one-half the cost thereof in any case.

So it is seen the people in the several States and Territories are not to be trusted with the planning and building of cheap country school-houses, when they furnish at least half the money to pay for their

construction, and when they have to be built under plans submitted by the Bureau of Education. This bill goes on to provide that—

The States and Territories shall annually make full report of all the expenditures from the school-house fund to the Secretary of the Interior, as in case of other moneys received under the provisions of this act.

For what purpose? To what end? What necessity is there, if it is not in connection with other provisions of the bill, to dwarf and degrade the States, and to prepare the people for a centralized Republic, a despotism of majorities?

The twelfth section of the act shows that it is intended to subordinate completely the State authorities to the Federal authorities, and that the law shall be administered by Federal officials. If this is not so, why require a detailed statement from the governor of everything which is to be done in the State to the Secretary of the Interior. This section of the act is so important that I read it in its entirety:

SEC. 12. That no second or subsequent allotment shall be made under this act to any State or Territory unless the governor of such State or Territory shall first file with the Secretary of the Interior a statement, certified by him, giving a detailed account of the payments or disbursements made of the school fund apportioned to his State or Territory and received by the State or Territorial treasurer or officer under this act, and of the balance in the hands of such treasurer or officer withheld, unclaimed, or for any cause unpaid or unexpended, and also the amount expended in such State or Territory, as required by section 9 of this act, and also a statement of the number of school districts in such State or Territory, and whether any portion of such State or Territory has not been divided into school districts or other Territorial subdivisions for school purposes, and if so, what portion, and the reasons why the same has not been so subdivided; the number of children of school age in each district, and the relative number of white and colored children in each district, and of the number of public, common, and industrial schools in each district; the number of teachers employed; the rate of wages paid; the total number of children in the State or Territory, and the total number taught during the year, and in what branches instructed; the average daily attendance and the relative number of white and colored children; and the number of months in each year schools have been maintained in each school district. And if any State or Territory shall misapply or allow to be misapplied, or in any manner appropriated or used other than for the purposes and in the manner herein required, the funds, or any part thereof, received under the provisions of this act, or shall fail to comply with the conditions herein prescribed or to report as herein provided, through its proper officers, the disposition thereof, and the other matters herein prescribed to be so reported, such State or Territory shall forfeit its right to any subsequent apportionment by virtue hereof until the full amount so misapplied, lost, or misappropriated shall have been replaced by such State or Territory and applied as herein required, and until such report shall have been made: *Provided*, That if the public schools in any State admit pupils not within the ages herein specified, it shall not be deemed a failure to comply with the conditions herein. If it shall appear to the Secretary of the Interior that the funds received under this act for the preceding year by the State or Territory have been faithfully applied to the purposes contemplated by this act, and that the conditions thereof have been observed, then, and not otherwise, the Secretary of the Interior shall distribute the next year's appropriation as is hereinbefore provided. And it shall be the duty of the Secretary of the Interior to promptly investigate all complaints lodged with him of any misappropriation by or in any State or Territory of any moneys received by such State or Territory under the provisions of this act, or of any discrimination in the use of such moneys; and the said complaints, and all communications received concerning the same, and the evidence taken upon such investigations, shall be preserved by the Secretary of the Interior, and shall be open to public inspection and annually reported to Congress.

Why require the governors to certify to the Secretary of the Interior a detailed account of the payments and disbursements made of this school fund, unless for the purpose of having the fund administered under the direction of Federal officers? And how are the governors to comply with this requirement and that of the fourth section? How

much time and how many clerks will be necessary to enable them to comply with the requirements of these sections? Can any Senator guess? And here let me suggest that in view of the very vastness of the appropriation of public funds proposed by this bill Senators seem to have forgotten the smaller but still very large appropriations which will have to be made from year to year for the clerical force, both here and in the States, necessary to carry out its provisions.

And the Secretary of the Interior is required to promptly investigate all complaints of misappropriation of these moneys and of any discriminations in the use of such moneys. Knowing the negro character as I do, I will venture to predict that if this section becomes law the Secretary of the Interior will not be able to investigate all the complaints which will come to him under it. An ignorance for which they should not be held responsible and suspicions which arise partly from that ignorance and partly from their social position, coupled with a knowledge that they can appeal to a power which they believe to be unfriendly to the Southern whites, will no doubt bring a vast number of frivolous and unjust complaints to the Secretary for investigation and open a new and rich field for sectional agitation.

The best people of both races in the South are anxious to promote harmonious relations between the whites and blacks, and gratifying progress has been made in that respect. But my belief is if this bill shall become a law it will disappoint the philanthropic hopes and expectations of both Northern and Southern Senators who are supporting it, and reopen a Pandora's box, to pour out anew upon the Southern States the ills they have suffered so much from, but which have been less grievous during the last few years. I have no desire to be a prophet of evil, but it may be better to avoid than to suffer what must in the nature of things flow from the passage of such a law as this would be.

#### EDUCATION IN THE SOUTHERN STATES.

The passage of the bill under consideration has been urged by some Senators and accepted by others because of the exceptional condition in which some of the States were left as the result of the late civil war; because by it about eight million slaves were made free people and were invested with the rights and privileges of citizenship, which they were not, as a rule, qualified to exercise intelligently; and because by it the States in which most of them reside were greatly impoverished.

We must all recognize the great force of this philanthropic desire to enlighten so large a number of citizens who are in so great need of the knowledge which is necessary to enable them to understand and to perform the duties of citizenship and to take care of their own personal rights. And so strongly do I sympathize with this view that nothing less than the fear of subverting our form of government and endangering the liberty of both races could induce me to oppose its being carried out by some such law as the one now proposed.



It is true that at the close of the late civil war the Southern States were utterly impoverished and in a large measure desolated. Their social and industrial systems, which came down to them through the traditions of the ages, and had been secured to them by constitutional provisions and by legal enactments, were utterly destroyed, at a sacrifice to them of thousands of millions of dollars, and rich and poor alike were involved in almost universal bankruptcy. Their school systems and educational institutions were in abeyance. They were without means to sustain them, and education languished.

I do not mention these things to complain of them now. They were in a large measure the result of causes for which the generation which suffered from them was not responsible, and they are buried in the irrevocable past. But I mention them for the purpose of contrasting the educational condition in those States now with what it was then; to show that the interests of education are not being neglected there, and that that country is not in the danger from illiteracy which some of the friends of this bill seem to suppose.

I do not propose to go fully into this subject. But I make the general statement that all the Southern States have now fully organized systems of free public schools in operation, sustained by the revenues of these States, in which all the children of scholastic age receive instruction, the white and black children having equal benefits from the common schools. Private schools, colleges, and universities have also been restored to active usefulness and are now generally in successful operation, and normal schools for the education of both white and black teachers, sustained at public expense, are now in successful operation in some of the Southern States. The school funds of most of those States are not yet sufficient to afford tuition for as many months in the year as is desirable; but these funds are annually increasing, and the organization of the school systems is being perfected as fast as the sparseness of settlements in some portions of them will permit.

The State common-school funds in some of these States, perhaps in most of them, are being supplemented by local taxation in school districts, which is provided for by law, so that in very many districts free schools are kept in operation for six, eight, and ten months in the year. I have not the means of knowing how much money in the aggregate is raised by local taxation for free-school purposes in these States, but suppose the sum to be very nearly equal to the State appropriations.

I think no one who is familiar with the condition and progress of education in the Southern States will question the general accuracy of the statement I am making of it. So it will be seen they are not in so deplorable a condition as to call for very extraordinary measures for their relief in this respect.

As tending to show the progress of education in the free common schools of that section of the Union, I submit a statement of the annual income of the several States for this purpose where there is the great-

est amount of illiteracy, which has grown out of the enfranchisement of the black population. The statement is for the year 1884-'85, which is the last year for which such a statement has been made out:

|                  |           |                     |            |
|------------------|-----------|---------------------|------------|
| Alabama.....     | \$511,510 | North Carolina..... | \$631,904  |
| Arkansas.....    | 931,404   | South Carolina..... | 515,580    |
| Florida.....     | 335,984   | Tennessee.....      | 1,330,850  |
| Georgia.....     | 690,372   | Texas.....          | 1,661,476  |
| Louisiana.....   | 571,129   | Virginia.....       | 1,050,860  |
| Maryland.....    | 1,753,585 | West Virginia.....  | 957,150    |
| Mississippi..... | 872,320   |                     |            |
| Missouri.....    | 4,232,073 | Aggregating.....    | 16,051,207 |

Since taking the foregoing statement from the report of the Secretary of the Interior, from House of Representatives Executive Document No. 1, part 5, first session Forty-ninth Congress, I have received the following letter from Hon. M. J. Durham, First Comptroller of the Treasury, which shows that the current common-school fund for the last scholastic year for the State of Kentucky amounted to \$1,247,798.40, which added to the foregoing aggregate makes the total of the current school fund for the Southern States about \$17,299,005 for the year 1884-'85, and for the State of Kentucky 1886-'87:

TREASURY DEPARTMENT, FIRST COMPTROLLER'S OFFICE,

Washington, D. C., January 3, 1888.

DEAR SIR: Referring to our conversation of yesterday, I will say that I do not find the governor's message as full upon the school question in Kentucky as I supposed it was, but I can give you a general statement about it. We have a general system of common-school education in Kentucky, and it is supported by interest upon a fund that has been derived from various sources, amounting to something over a million and a half of money, and in addition to that there is a tax of 22½ cents levied upon the taxable property of the State for the support of common schools; and the amount derived from interest on the fund and taxes for the year just closed is \$1,247,798.40, being a per capita of \$1.90 to each child between the ages of six and sixteen. There is no distinction made in this fund between white and colored children. The system is a reasonably fair one in Kentucky. As a matter of course, local taxation in the various districts amounts to a very considerable sum, but to just how much I am not able to state.

Very truly, yours,

M. J. DURHAM.

HON. JOHN H. REAGAN,  
United States Senate.

This, it will be seen, makes a very respectable showing for those States under the circumstances. And these figures would be much more imposing if the sums voted by local communities could be added to it, and if we were able to show the sums expended in the construction of school-houses, and for education in private schools, in normal schools, and in the colleges and universities of those States.

What I have said will, I trust, show that there is no reason for the Southern States to be regarded as mendicants, seeking alms at the hands of their more prosperous neighbors; that there is no reason to fear that liberty will be lost and that our Government and institutions will perish because of the illiteracy of their children; that no facts exist which should induce their people to surrender their State autonomy and with it their manhood and self-reliance. Much less is there reason for them to consent to the overthrow of our constitutional Republic, and for them to consent to the adoption of a centralized despotism of majorities, which means the entire subordination of the interests of the minority section to those of the majority section of the country.

WHAT IS EDUCATION?

What is learned in the schools is not all there is of education. The

schools aid in the acquisition of knowledge; but much of real education is acquired in the family circle, on the farm, in the workshop, in public assemblages, in court-houses, at the hustings, and in the churches. And there is probably not a Senator here who has not known men of superior intelligence who could neither read nor write. And the universal experience in this country is that even among the illiterate class there is a great deal of practical intelligence and many useful citizens. In the discussion of this bill we seem to lose sight of these great facts, and to proceed on the principle that the knowledge necessary to good citizenship can only be acquired in the school-house. Would it not be as well for us on this as on other questions to consult common sense and our every-day experience? I saw, when a boy, in the Charleston (S. C.) Mercury a very interesting paper on the subject of "Atmospheric knowledge and the education of the blood." I have not forgotten the impression it made on me. Our whole lives are a school. All our surroundings are school-masters. And a person with natural faculties can hardly be raised in this country without practical knowledge enough to make a comfortable living and to understand the principal duties of citizenship. Of course I have reference to the free people. Such was not the case, as a rule, with the slave population. But now that they are free and invested with the rights of citizenship, it will as well apply to them; if, as we hope may be the case, they are capable of the intellectual development which a few of them have shown and which characterizes the Caucasian race.

The people of the section where the most of them live mean to make a fair and faithful trial of their capacity to this end; and they need no promptings from others as to the demands of duty and interest in this respect. Investigation would probably develop the fact that outside of the black population, whose condition is exceptional, there are more educated folks than there are illiterate people not qualified to take care of their own interests. I do not make these suggestions to undervalue scholastic education, for I recognize fully its importance, but to call to mind facts which should not be lost sight of in considering the capacity of our people for self-government, and to show that we are not in so great danger on account of illiteracy, as seems to be supposed by some Senators.

#### CONDITION OF EDUCATION IN TEXAS.

I can not speak with as full information of the progress which is being made in the matter of education in other States, but I submit a letter from the comptroller of public accounts of the State of Texas, to show what is being done in that State:

OFFICE OF THE COMPTROLLER,  
Austin, December 25, 1887.

Hon. JOHN H. REAGAN,  
*United States Senate, Washington, D. C.:*

DEAR SIR: In reply to yours of the 20th instant I give you below a statement regarding the school fund of Texas, which I presume is the information desired by you.

The investment of the permanent school fund of Texas is as follows, to wit:

|                        |             |
|------------------------|-------------|
| Texas State bonds..... | \$2,048,000 |
| County bonds.....      | 2,263,000   |
| Railroad bonds.....    | 1,753,000   |
| Cash uninvested.....   | 220,000     |
| Total.....             | 6,284,000   |



There are about 25,020,000 acres of land donated by the State to the permanent fund, that are yet unsold.

The annual interest due upon sales of lands belonging to said fund is about \$650,000.

In addition to the income from the above-named investments, an annual ad-valorem tax of 12½ cents on the \$100 valuation of property, and a poll tax of \$1, are levied and collected and one-fourth of all occupation taxes collected is appropriated for the purpose of supplementing said income.

The apportionment made by the board of education for the support of the public schools for the present scholastic year amounts in round numbers to \$2,300,000. It is estimated that school districts and cities supplement the State fund about \$800,000 by local taxation, and by investments held by the school fund of the counties.

The University of Texas has now an annual income of about \$50,000, with a permanent fund of \$544,000 in Texas State bonds, besides her lands that are unsold.

The Agricultural and Mechanical College has an annual income of \$22,000.

There was appropriated by the last Legislature \$100,000 for the support of the Deaf and Dumb and Blind Institutes for this year.

Respectfully,

JNO. D. McCALL,  
Comptroller.

P. S.—In reply to your telegram just received I give you below the total taxable values of this State from 1880 to 1887, inclusive; the other questions I think have already been answered in the letter.

|           |               |           |               |
|-----------|---------------|-----------|---------------|
| 1880..... | \$311,470,736 | 1884..... | \$603,060,917 |
| 1881..... | 357,000,000   | 1885..... | 621,011,989   |
| 1882..... | 419,925,476   | 1886..... | 630,525,123   |
| 1883..... | 527,537,390   | 1887..... | 650,412,401   |

From this it is seen that the permanent common school fund in Texas, in money and land, is perhaps greater than that in any other State in the Union, or than in any other country in the world; and that the current available fund for the present scholastic year amounts to \$2,300,000, to which is to be added the \$800,000 derived from local taxation, making the current school fund of the State for the scholastic year amount to about \$3,100,000.

The permanent university fund of \$544,000 is supplemented by very large land grants, with an available fund for current use of \$50,000, while the Agricultural and Mechanical College has an annual income of \$22,000. And there is also a liberal support by the State to two normal schools, one for the education of white, and one for the education of colored teachers.

This statement shows the progress made since 1884-'85 in education as well as in the taxable property of the State, when the available school fund of that State was \$1,661,476.

It may be that others of the Southern States are not as fortunately situated as Texas in this respect. But that they are all as earnestly engaged in the promotion of the cause of education I think is undoubtedly true; and that they will succeed in the establishment of good systems of free common schools, which will meet the necessities of their people, without Federal aid, I do not doubt.

The desire for the education of the black population is not a mere matter of sentiment with the people of the Southern States, nor is it a political hobby by which they expect to gain or to retain political power in the Federal Government. The people of that section are influenced on that subject by far higher and nobler purposes. The negroes constitute a considerable part of their communities. They are invested with freedom and citizenship; and the interests of all of both races require that they should be qualified for these to them new duties, in order to secure the promotion of the welfare of all.





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